

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RACHELLE WOODS,

No. C 04-5018 MMC

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner of
Social Security

**ORDER DIRECTING PLAINTIFF TO
SERVE DEFENDANT WITH MOTION
FOR SUMMARY JUDGMENT AND TO
FILE CERTIFICATE OF SERVICE;
NOTICE TO PLAINTIFF; MODIFYING
BRIEFING SCHEDULE**

Defendant

On July 28, 2005, plaintiff filed a motion for summary judgment. On August 2, 2005, the Court, referencing the fact that plaintiff had filed a motion, issued an order setting a briefing schedule, and the Clerk of the Court subsequently served such order on the parties.

Before the Court is defendant's Notice of Failure to Serve Defendant with Plaintiff's Motion for Summary Judgment, by which notice defendant advises the Court that plaintiff did not serve a copy of her motion on counsel for defendant.¹

A party is required to serve a copy of any filing upon counsel for the opposing party, and is required to file with the Clerk of the Court proof of such service. See Civ. L. R. 5-6 (providing any paper presented for filing "must bear or have attached to it" a "certificate of

¹Plaintiff did not attach to her motion a certificate of service to indicate that she served a copy on counsel for defendant.

1 service” stating date of service, name and address of person(s) served, and manner of
2 service, for example, by United States mail).

3 Plaintiff is hereby ORDERED to serve, no later than August 19, 2005, a copy of her
4 motion for summary judgment upon counsel for defendant, and, also, to file with the Clerk
5 of Court a certificate of such service.² If plaintiff fails to timely serve and file a certificate of
6 service with the Clerk of the Court, stating that she timely served defendant with a copy of
7 her motion for summary judgment, the Court will strike plaintiff’s motion. Additionally,
8 plaintiff is advised that all future filings must be served on counsel for defendant.

9 The Court further modifies the briefing schedule, as follows:

10 1. Defendant shall serve and file a cross-motion for summary judgment no later
11 than 30 days from the date defendant is served with a copy of plaintiff’s motion.

12 2. Plaintiff shall serve and file any response to defendant’s cross-motion no later
13 than 14 days from the date of the service of defendant’s cross-motion, after which time the
14 motions will stand submitted.

15 **IT IS SO ORDERED.**

16 Dated: August 11, 2005

17 
18 MAXINE M. CHESNEY
19 United States District Judge
20
21
22
23
24
25

26 ²The name and mailing address of counsel for defendant is as follows:
27 Sara Winslow
28 Assistant United States Attorney
450 Golden Gate Avenue, Box 36055
San Francisco CA 94102